

EXHIBIT 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SPHERE 3D CORP.,

*Plaintiff and
Counter-Defendant,*

V.

Case No. 1:23-cv-02954-PKC

GRYPHON DIGITAL MINING, INC.,

*Defendant and
Counter-Plaintiff*

**GRYPHON DIGITAL MINING, INC.'S RESPONSES AND OBJECTIONS TO SPHERE
3D CORP.'S FIRST AMENDED SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Defendant and Counterclaim-Plaintiff Gryphon Digital Mining, Inc. (“Gryphon”), by and through its undersigned counsel, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure (the “Federal Rules”) and the Local Rules of this Court (the “Local Rules”), hereby submits these responses and objections to the First Amended Set of Requests for Production of Documents (“the “Requests” and each, a “Request”) served by Plaintiff and Counterclaim-Defendant Sphere 3D Corp. (“Sphere”) in connection with the above-captioned action (the “Action”).

GENERAL OBJECTIONS

1. Gryphon objects to each and every Instruction, Definition, and Request to the extent that they purport to impose obligations on Gryphon that exceed or vary from the requirements of, or call for Gryphon to do more than is required under, the Federal Rules, the Local Rules, and/or any other applicable rules, statutes, case law, or orders.

Sphere's possession, custody, or control. Gryphon further objects to this Request to the extent it is impermissibly duplicative of Request No. 1.

Subject to and without waiving the foregoing General Objections, Objections to Definitions, Objections to Instructions, and specific objections, Gryphon will produce responsive, non-privileged documents located after a reasonable search, if any, in response to this Request.

REQUEST NO. 5

Produce all Documents and Communications related to Your efforts to secure hosting for Gryphon's miners, including without limitation any Communications with any provider of hosting regarding space availability, time availability, and pricing.

RESPONSE TO REQUEST NO. 5

Gryphon objects to Request No. 5 as overbroad, unduly burdensome, and not proportional to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to Gryphon's efforts to secure hosting for its own miners. Gryphon will not be producing documents in response to this Request.

REQUEST NO. 6

Produce all Documents and Communications related to any interactions You had with the U.S. Customs and Border Protection agency in connection with Sphere, including without limitation all Communications related any shipment of miners held by the U.S. Customs and Border Protection agency in July and August 2022.

RESPONSE TO REQUEST NO. 6

Gryphon objects to Request No. 5 as overbroad, unduly burdensome, and not proportional to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to any interactions Gryphon may have had with the U.S. Customs and

Border Protection agency. Gryphon further objects to this Request to the extent that it seeks documents that are already within Sphere's possession, custody, or control.

Subject to and without waiving the foregoing general objections, objections to definitions, objections to instructions, and specific objections, Gryphon will produce responsive, non-privileged documents located after a reasonable search, if any, in response to this Request.

REQUEST NO. 7

Produce all Documents and Communications related to Your efforts to ensure the operation of Sphere's miners.

RESPONSE TO REQUEST NO. 7

Gryphon objects to Request No. 7 as overbroad, unduly burdensome, and not proportional to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to any efforts made by Gryphon efforts to ensure the operation of Sphere's miners. Gryphon further objects to this Request as vague and ambiguous to the extent it says "ensure the operation" of Sphere's miners. Gryphon further objects to this Request to the extent that it seeks documents or communications that are already within Sphere's possession, custody, or control.

Subject to and without waiving the foregoing General Objections, Objections to Definitions, Objections to Instructions, and specific objections, Gryphon will produce responsive, non-privileged documents located after a reasonable search, if any, in response to this Request.

REQUEST NO. 8

Produce all Documents and Communications related to Your efforts to ensure the operation of Gryphon's miners.

RESPONSE TO REQUEST NO. 8

Gryphon objects to Request No. 8 as overbroad, unduly burdensome, and not proportional to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to Gryphon's efforts to ensure the operation of Gryphon's miners. Gryphon further objects to this Request as vague and ambiguous to the extent it purports to state "ensure the operation" of Gryphon's miners. Gryphon will not be producing documents in response to this Request.

REQUEST NO. 9

Produce all Documents and Communications related to the calculation of any payment or consideration due to Sphere under the MSA.

RESPONSE TO REQUEST NO. 9

Gryphon objects to Request No. 9 as not relevant to the claims asserted by Sphere in the Action as Sphere does not allege any purported failure by Gryphon to remit funds owed to Sphere under the MSA in this Action. Gryphon further objects to this Request as overbroad and unduly burdensome to the extent it purports to require Gryphon to produce all documents and communications related to the calculation of any payment or consideration due to Sphere under the MSA. Subject to and without waiving the foregoing General Objections, Objections to Definitions, and Objections to Instructions, Gryphon will produce the calculations for payments due to Sphere under the MSA.

REQUEST NO. 10

Produce all Documents and Communications related to the calculation of any payment or consideration due to Gryphon under the MSA.

as it purports to require Gryphon to produce all documents and communications related to Sphere's business relationships with any third party. Gryphon further objects to this Request to the extent that it seeks documents that are already within Sphere's possession, custody, or control.

Subject to and without waiving the foregoing General Objections, Objections to Definitions, Objections to Instructions, and specific objections, Gryphon will produce responsive, non-privileged documents located after a reasonable search, if any, in response to this Request.

REQUEST NO. 15

Produce all Documents and Communications related to the selection of mining pools for Sphere, including without limitation any strategies employed.

RESPONSE TO REQUEST NO. 15

Gryphon objects to Request No. 15 as vague and ambiguous to the extent that "strategies" is not a term that is defined herein. Gryphon further objects to this Request as overbroad, unduly burdensome, and not proportionate to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to the selection of mining pools for Sphere. Gryphon further objects to this Request to the extent that it seeks documents or information that are already within Sphere's possession, custody, or control. Gryphon further objects to this Request as impermissibly duplicative of Request No. 1.

Subject to and without waiving the foregoing General Objections, Objections to Definitions, and Objections to Instructions, Gryphon will produce responsive, non-privileged documents located after a reasonable search, if any, to the extent it produces documents in response to Request No. 1.

REQUEST NO. 16

Produce all Documents and Communications related to the selection of mining pools for

Gryphon, including without limitation any strategies employed.

RESPONSE TO REQUEST NO. 16

Gryphon objects to Request No. 16 as vague and ambiguous to the extent that “strategies” is not a term that is defined herein. Gryphon further objects to this Request as overbroad, unduly burdensome, and not proportionate to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to the selection of mining pools for Gryphon. Gryphon will not be producing documents in response to this Request.

REQUEST NO. 17

Produce all Documents and Communications related to any wallets or other similar repositories maintained for Sphere’s benefit.

RESPONSE TO REQUEST NO. 17

Gryphon objects to Request No. 17 to the extent that it seeks documents or information that are already within Sphere’s possession, custody, or control. Insofar as Sphere has admitted to maintaining its own “wallets or other similar repositories” for its own benefit in violation of terms of the MSA, Gryphon does not have access to that information and thus cannot produce it. Gryphon will not be producing documents in response to this Request.

REQUEST NO. 18

Produce all Documents and Communications related to any wallets or other similar repositories maintained for Gryphon’s benefit.

RESPONSE TO REQUEST NO. 18

Gryphon objects to Request No. 18 as overbroad, unduly burdensome, and not proportionate to the needs of the Action insofar as it purports to seek “all Documents” and “all Communications” regarding “any wallets or other similar repositories maintained for Gryphon’s

and not proportionate to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications “related to any digital assets or other revenues generated for Gryphon’s benefit.” Gryphon further objects to this Request to the extent that it seeks documents or information that are already publicly available. Gryphon will not be providing any documents in response to this Request.

REQUEST NO. 21

Produce all Documents and Communications related to the hosting of Sphere’s miners at Core.

RESPONSE TO REQUEST NO. 21

Gryphon objects to Request No. 21 to the extent it is impermissibly duplicative of, *inter alia*, Request Nos. 1 and 4.

REQUEST NO. 22

Produce all Documents and Communications related to the hosting of Gryphon’s miners at Core.

RESPONSE TO REQUEST NO. 22

Gryphon objects to Request No. 22 as overbroad, unduly burdensome, not proportionate to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to the hosting of Gryphon’s miners at Core. Gryphon further objects to this Request to the extent that it seeks documents or information that are already publicly available. Gryphon will not be providing documents in response to this Request.

REQUEST NO. 23

Produce all Documents and Communications related to any treasury management strategy employed on behalf or for the benefit of Sphere.

RESPONSE TO REQUEST NO. 23

Gryphon objects to Request No. 23 as overbroad, unduly burdensome, and not proportionate to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to any treasury management strategy employed for Sphere's benefit. Gryphon further objects to this Request as vague and ambiguous to the extent that "treasury management strategy" is not a term that is defined herein.

Subject to and without waiving the foregoing General Objections, Objections to Definitions, and Objections to Instructions, and specific objections, Gryphon will produce responsive, non-privileged documents and communications located after a reasonable search, if any, in response to this Request.

REQUEST NO. 24

Produce all Documents and Communications related to any treasury management strategy employed on behalf or for the benefit of Gryphon.

RESPONSE TO REQUEST NO. 24

Gryphon objects to Request No. 24 as overbroad, unduly burdensome, and not proportionate to the needs of the Action insofar as it purports to require Gryphon to produce all documents and communications related to any treasury management strategy employed for Gryphon's benefit. Gryphon further objects to this Request as vague and ambiguous to the extent that "treasury management strategy" is not a term that is defined herein. Gryphon will not be producing documents in response to this Request.

REQUEST NO. 25

Produce all Documents and Communications related to the filing of any proof of claim in any bankruptcy proceeding filed by Core.

responsive, non-privileged documents located after a reasonable search, if any, in response to this Request.

Dated: April 15, 2024

Respectfully submitted,

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